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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,938	11/06/2001	Gordon Good	13220.009001; P5844	5489

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EXAMINER
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GIANOLA, JOHN F

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/993,938	<b>Applicant(s)</b> GOOD ET AL.	
	<b>Examiner</b> John F Gianola	<b>Art Unit</b> 2135	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20020318</u> . | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-12 were examined.
2. Claims 1-12 were rejected.

***Claim Objections***

3. Claim 9 objected to because of the following informalities: Claim 9 is dependent upon itself. For this action it is assumed that Claim 9 is dependent upon Claim 8.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Shakib et. al. (US Pat. No. 5,787,262)
6. As to Claims 1 and 12, Shakib et. al. disclose a method for resolving updates in a server (see column 7, line 55 to column 8, line 5), comprising:  
  
Generating a change sequence number (see column 12, lines 33-34);  
  
Creating a total ordering of operations by time using the change sequence number (see column 14, lines 49-50 and 63-66).

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Extracting state information from an entry associated with an operation from the total ordering (see column 9, lines 49-51 and column 3, lines 62-65);

Computing a new state for the entry using extracted state information the operation associated with the entry (see column 9, lines 49-51 and column 3, lines 62-65).

7. As to Claim 2, Shakib et. al. and Pettus disclose the limitations of Claim 1.

Shakib et. al. Further disclose :

Wherein total ordering is enforced by a value resolution routine (see column 14, lines 35-41).

8. As to Claims 3 and 4, Shakib et. al. and Pettus disclose the limitations of Claim 1 above. Shakib et. al. further disclose:

Wherein state information is record for an attribute of the entry, and

Wherein state information is recorded for a value of the attribute (see column 15 lines 1-10 and column 3, lines 62-65).

9. As to Claim 5, Shakib et. al. and Pettus disclose the limitations of Claim 1 above.

Shakib et. al. further disclose:

Storing state information in the directory server (see column 4, lines 34-37 and 46-56).

10. As to Claims 6 and 7, Shakib et. al. and Pettus disclose the limitations of Claim 1 above. Shakib et. al. further disclose:

Promulgating copies of data by update resolution procedure to a consumer server; and

Promulgating copies of data by update resolution procedure to a producer server (see Shakib et. al: column 4, lines 37-40 and 46-47; see also Pettus: column 13, 6-8 and column 15, lines 15-17).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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13. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pettus (US Pat. No. 6,360,266 B1) in view of Shakib et. al. (US Pat. No. 5,787,262).

14. As to Claim 8, Pettus discloses:

A supplier server (implicit in column 3, lines 22-25, see also column 8, 42-45);

A consumer server in communication with the supplier server (implicit in column 3, lines 22-25, see also column 8, 42-45);

A plurality of pluggable services that manage replication of data contained within the direction server from the supplier server to the consumer server (see column 8, lines 28-30; and implicit in the multiple methods for updating in column 15, lines 18-22);

Pettus discloses the need for an update resolution procedure to manage replication and conflict resolution in a distributed system (see column 3, lines 22-30, see also column 8, lines 42-45), but does not specifically teach that procedure. On the other hand, Shakib et. al. disclose an update resolution procedure for use on distributed data objects (see Shakib et. al: column 4, lines 24-33). It would have obvious to one of ordinary skill in the art at the time of the invention to use the update resolution procedure of Shakib et. al. in the server of Pettus because Pettus explicitly states the need for a method of resolution in distributed systems (see Pettus: column 3, lines 38-45).

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15. As to Claim 9, Pettus and Shakib et. al. disclose the limitations of Claim 8 above.

Shakib et. al. further disclose:

Wherein the update resolution procedure uses an update resolution policy to detect and resolve update conflicts between consumer servers (see column 11, lines 38-41 and column 14, lines 35-41).

16. As to Claims 10 and 11, Pettus and Shakib et. al. disclose the limitations of Claim 8 above. Shakib et. al. further disclose:

Wherein the update resolution procedure promulgates copies of data to the consumer server; and

Wherein the update resolution procedure promulgates copies of data to the supplier server (see Shakib et. al: column 4, lines 37-40 and 46-47; see also Pettus: column 13, 6-8 and column 15, lines 15-17).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John F Gianola whose telephone number is (571)272-3848. The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached at (571)272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jfg

*V. Martin Wallace*  
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Supervisory Patent Examiner